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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

IRAN*

[8 January 1992]

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* The initial report submitted by the Government of the Islamic Republic of Iran concerning articles 13 and 14 of the Covenant (E/1982/3/Add.43) was considered by the Committee on Economic, Social and Cultural Rights at its fifth session in 1990 (see E/C.12/1990/SR.42, 43 and 45). Accordingly, the present report covers articles 6 to 12 and 15 of the Covenant.

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Report of the Islamic Republic of Iran on articles 6-9 of the International Covenant on Economic, Social and Cultural Rights

Article 6. The right to work

1. One of the most important, and fundamental documents which stipulates the right to work is the Constitution of the Islamic Republic of Iran, the basis of all laws, regulations and policies. Examples may be seen in the following articles:

(a) Article 3, paragraph 9, "... Provision of equitable opportunities for all, in both material and intellectual spheres";

(b) Article 3, paragraph 12, "... abolition of all forms of deprivation with respect to work...";

(c) Article 28, "Everyone has the right to choose any occupation he/she wishes, if it is not contrary to Islam and the public interests and does not infringe the rights of others. The Government shall, with due consideration of the needs of society for different kinds of work, provide every citizen with the opportunity to work, and to create equal conditions for obtaining it";

(d) Article 43, "The economy of the Islamic Republic of Iran is based on the following: ... ensuring conditions and opportunities of employment for everyone with a view to attaining full employment, placing the means of work at the disposal of everyone who is able to work but lacks the means..."

2. The Ministry of Labour and Social Affairs has 110 employment centres throughout Iran, where applicants may apply for jobs in accordance with the requirements of the labour market.

3. Furthermore, the Ministry of Labour and Social Affairs has 74 centres for technical and vocational training, where thousands of people undergo training each year. Through such training, efforts have been aimed at coordinating employment requirements and technical and vocational training.

4. Also, the Ministry of Education has hundreds of technical schools where technical courses are offered.

5. It has been foreseen that during the first five-year development plan 1989-1993, 1,884 million people will enter the labour market. Therefore, in connection with the labour force and employment, the following qualitative objectives are being drawn up:

(a) Gradual substitution of low-productivity employment with more productive jobs;

(b) Reduction of seasonal and hidden unemployment;

(c) Creation of productive employment and reduction of unharnessed concentration of work in the services' sector through appropriate financial, monetary and taxing policies; collaboration with the private sector and support for productive and job-creating investments;

(d) Promotion of productivity through the improvement of management and utilization of personnel in relevant occupations;

(e) Provision of the specialized labour needed in deprived areas through material and non-material incentives;

(f) Application of the suitable technology in the fundamental and key industries, and advanced technology in other fields;

(g) Expansion and encouragement of productive jobs. With special emphasis on self-employment and homework.

6. In this way, in the course of the said plan, 394,000 jobs are to be created annually, thus lowering the unemployment rate from the current 15 per cent to 13.4 per cent, which, considering the population growth, is an important achievement.

7. In order to encourage workers to attend technical and vocational training courses in productive, service and trade sectors, priority in the issuance of work licenses is given to those applicants who have completed special training courses.

8. The Government of the Islamic Republic of Iran has ratified Conventions No. 29 and 105 of the International Labour Organisation on the abolition of forced labour and Convention No. 111 on discrimination in employment and professions. Each year, the Ministry of Labour and Social Affairs presents a report to the International Labour Organisation on the implementation of these conventions. On the individual's freedom to choose employment without discrimination, article 43 of the Constitution of the Islamic Republic of Iran stipulates: "... respect for the right to choose freely one's occupation; refraining from compelling anyone to engage in a particular job; and preventing the exploitation of another's labour."

9. In the field of the collection and analysis of labour statistics, the following surveys have been implemented by the Ministry of Labour and Social Affairs:

(a) A general survey of manpower issues in Iran in the year 1982, and preparation of statistics of the employed and unemployed.

(b) Population and labour force sampling in Iran in the year 1989, carried out with the cooperation of the Iran Statistical Centre.

(c) Implementation of the project for the issuance of labour identification cards and creation of a period data bank of the employed labour force in Iran in the period from 1985 to 1989. These data are constantly updated and published for utilization.

(d) Implementation of the survey for sampling the worker's family budget and minimum cost of living basket for the years 1987, 1988 and 1989: a comparison of workers' income and the cost of living with a view to determining the minimum wage corresponding to the cost of living.

(e) Implementation of the issuance of labour identification cards for educated workers, aimed at preparing statistics of the graduate labour force annually entering the job market (statistics for the years 1989 and 1990).

10. Article 25 of the Labour Act, dealing with employment contracts and termination of temporary employment, stipulates that:

> "Where an employment contract is concluded for a fixed term or for piece-work, neither party may unilaterally terminate the contract.
>
> Note: The settlement of disputes arising from this type of contract shall be within the jurisdiction of the Board of Inquiry and the Disputes Board."

11. In accordance with article 24 of the Labour Code:

> "In the event of the termination of an employment contract concluded for piece-work or for a fixed term, the employer shall pay to each worker employed under such a contract for one year or more, whether continuously or not, an amount equal to his last monthly wage for each year of service as a length-of-service allowance."

12. The Unemployment Insurance Act, which was approved tentatively for a three-year trial period (1987-1990) and finally adopted by the Islamic Consultative Assembly in 1990, contains several provisions regarding the protection of the unemployed. The entitlement period of the unemployment insurance pension is envisaged in article 7 of the Act as follows:

> "Duration of payment of the unemployment benefit, from the time of entitlement, is 36 months maximum for the unmarried and 50 months for the married worker or those with dependents, based on the duration of payment of the unemployment insurance premium given in the table below:

"Duration of premium payment	Maximum period of entitlement	
	Unmarried	Married/with dependent
From 6 to 24 months	6 months	12 months
" 25 to 120 "	12 "	18 "
" 121 to 180 "	18 "	26 "
" 181 to 240 "	26 "	36 "
241 and over	36 "	50 " "

Such workers usually attend technical, vocational and literacy courses during the period in which they receive unemployment benefits.

13. In accordance with preliminary statistics, a total of 34,505 people are covered by this Act, of whom 2,582 are women, 31,923 men, 14,972 unmarried and 29,523 married.

Article 7. The right to just and favourable conditions of work

14. Article 35 of the Labour Code defines the wage as "a sum in cash or in kind or combination thereof paid to a worker for performing a job".

15. Payment of a sufficient wage and its appropriate increase is underlined in this Code, which reads:

"Article 41. The Supreme Labour Council shall be responsible every year for fixing minimum wages for the various regions of the country according to the sectors of industry, with regard to the following criteria:

1. The minimum wage of workers shall be fixed taking account of the rate of inflation announced by the Central Bank of the Islamic Republic of Iran;

2. Regardless of the physical and intellectual abilities of workers and the characteristics of the work assigned, the minimum wage shall be sufficient to meet the living expenses of a family, whose average number of members shall be specified by the appropriate authorities.

Note: No employer shall pay any worker a wage which is less than the fixed minimum wage for work performed during statutory hours of work. In the event of a violation of this rule, the employer must pay the difference between the wage paid and the recent minimum wage."

"Article 42. The minimum wage referred to in article 41 of this Code shall be paid exclusively in cash. Such payments in kind as may be provided for in employment contracts shall be in addition to the minimum wage."

"Article 44. Where a worker owes money to his employer, only the amount in excess of the minimum wage may, by judicial decision, be withheld to cover his debt. In any event, such an amount shall not exceed one quarter of a worker's total wage."

16. Note 5 on the law concerning job classification in workshops stipulates:

"For the execution of the job classification plans, presently those workshops with at least 50 workers which are covered by the Labour Code can, in accordance with the terms and conditions announced by the Ministry of Labour and Social Affairs (Circular No. 61462 dated 22 January 1982), prepare and execute plans for job classification on the basis of the evaluation system formulated by this Ministry, and this plan will be extended to all workshops in the future."

17. According to the statutory regulations, workers receive different remunerations per month, in addition to their regular daily wages, which contribute considerably to increasing the level of incomes and improving the standard of living of the workers. The most prevalent of these payments are housing, food and family allowance and wage adjustment, workers coupons, regular bonus and the bonus for years of service prior to retirement. (Those

two types of bonuses are not received on a monthly basis, but are paid at the end of each year and at the time of retirement.) It is to be noted that regular payments of these benefits create acquired rights for the workers concerned.

18. Article 2 of the law concerning the omission of workers' job classification grades and payment of a housing allowance, adopted in April 1980, stipulated the payment of a housing allowance for both single and married workers.

19. Paragraphs 2 and 4 of Decision 62602 concerning housing and food allowances, which was ratified in September 1977 by the Council of Ministers, reads as follows:

> "The amount of 800 rials for married workers and 400 rials for single workers, in the form of food items, shall be paid to them by the workers' cooperatives under the supervision of workers' and employers' representatives. This food allowance is payable to those earning less than 4,500 rials per month."

20. Articles 86 and 87 of the Social Security Act, in this regard stipulates:

> "Family allowance is payable for two children only, provided that:
>
> (a) The insured has the record proving payment of the insurance premium for 720 days of work;
>
> (b) The children are less than 18 years old, or full-time students, or have a disability, verified by the Medical Commission and meeting the conditions in article 91 of the Social Security Act. The monthly amount of family allowance per child shall be equal to at least three days of minimum daily wages for unskilled workers. The employer shall pay the family allowance at the time of payment of wages or salary."

21. According to the decision made by the Supreme Labour Council, an amount shall be paid for the adjustment of workers' wages. This amount, according to the last decision of the council, shall not be less than 65.00 rials per month for married workers after legal deductions.

22. In accordance with the decision of the Supreme Labour Council, from the beginning of 1986 (Iranian year 1365) all employers shall pay to workers, in addition to wages and adjustment of wages, other amounts under the title of food allowance and other non-cash payments. The employers shall set aside an amount of money and credit the account of Emkan Cooperative for the purchase of essential consumer goods. They then will receive equivalent coupons to be given to their employees. According to the last decision of the Supreme Labour Council (circular 111307, dated March 1989) this amount was fixed at 3,000 rials for single workers and 7,000 rials for married workers and workers with dependents.

23. Paragraph 2 of the Law on the Protection of Workers Rights, adopted in June 1980, reads as follows:

> "Employers of the workshops covered by the nullified law concerning the sharing of workers in the scheme of the Profits of Industrial and Manufacturing Establishments, shall compensate the income resulting from that law and for payment of an annual bonus by a payment equalling 60 days of the last wage-months of work. This amount shall not exceed 85,000 rials per year for each employee".

24. From 11 November 1988, by the decision of the Supreme Labour Council, those workshops that do not have current practices or a written contract for the payment of a bonus to their retired workers, shall pay a maximum of one month's salary for each year of service to the retired (Decision No. 59989 dated November 1987).

25. In general to maintain the purchasing power of the workers taking into account economic conditions and the inflation rate in past years, the minimum wage and as a result other categories of wages have increased steadily in accordance with decisions of the Supreme Labour Council.

26. One of the most important measures taken in Iran for the realization of equal pay for equal work has been the implementation of the job classification plan in the workshops. Prior to this there was provision for equal pay for equal work in article 22 of the previous labour code, but because of its importance a separate job classification law was ratified in 1973.

27. According to this law, all workshops must implement job classification. It is to be noted that after the victory of the Islamic Revolution some measures were also taken in this respect, the most important of which was a uniform system for job evaluation and classification.

28. The new Labour Code also emphasized equal pay for equal work for male and female workers. Article 38 of the Labour Code stipulates that:

> "Equal wages shall be paid to men and women performing work of equal value in a work place under the same conditions. Any discrimination in wage determination on the basis of age, gender, race, ethnic origin and political and religious convictions shall be prohibited".

Articles 75 to 78 also have provisions on welfare facilities for female workers.

29. Efforts have been made to increase the minimum wage and to extend job classification, but considering the spread and number of small workshops, different working conditions, remuneration rates and difficulties in preparing occupational standards in most workshops, intended goals are being realized only gradually. We hope that, concurrently with the implementation of economic and industrial programmes nationwide, it will be possible to remove existing obstacles through proper planning.

Safety and healthy working conditions

30. In accordance with article 86 of the Labour Code, the Supreme Safety Council has been established under the chairmanship of the Minister of Labour and Social Affairs or one of his deputies, in order to formulate and approve the occupational safety and health codes of practice. Until now, this Council has adopted 28 safety directives comprising 2,850 articles. Labour inspectors ensure their proper implementation in the workplace.

31. To encourage a collaborative attitude among employers and workers in regards to safety and health, employers are encouraged to establish enterprise-based safety committees in workshops with more than 10 employees. The purposes of such committees are: to implement the safety and health regulations; to safeguard the domestic industrial establishments; and to prevent occupational accidents and diseases in the workplace. Such Committees would meet at least once a month with the following members:

(a) Employer or his authorized representative;

(b) Workers' representative in the Islamic Council;

(c) Workers' representative in the workshop's council;

(d) Technical manager of the workshop;

(e) Safety officer, who is also the secretary of the committee;

(f) One of the foremen;

(g) Workshop's medical officer.

32. The members of the safety committee have the duties explained below:

(a) To inspect all parts of the enterprise at least each month, consider safety and health problems at the committee meetings and offer solutions and recommendations to employers to correct safety and health deficiencies and improve working conditions;

(b) To cooperate and collaborate with the work inspectors in their inspection and the implementation of safety and health measures;

(c) To train and familiarize workers in the observation of the safety regulations and give them the necessary precautions while working;

(d) To cooperate with employers in the implementation of the necessary instructions for safe and sound work with the equipment and machinery installed in the workshop;

(e) To prepare and compile regulations for safety and health in the workplace within the approved regulations of the Supreme Safety Council and to follow up;

(f) To submit proposals for the enactment of new safety and health regulations to the Supreme Safety Council;

(g) To supervise the implementation of physical examinations of workers at the beginning of employment and periodic examinations thereafter to prevent occupational diseases;

(h) To supervise and follow up the proper use of individual means of protection against accidents.

At present 3,000 safety committees are established in workshops, with 125,000 members.

33. In 1989, the Islamic Consultative Assembly reviewed and revised the regulations for hard and harmful jobs and made radical changes in order to guarantee the health and lives of workers who engaged in such jobs, so that they would be entitled to retire after 20 years of service, instead of 30 years, receiving 30 days' salary per month. In addition, in the regulations for hard and harmful jobs, it has been emphasized that working hours are to be reduced owing to the physical strain on workers, and the employer is bound to provide sufficient facilities, suitable working tools, and the means for the complete individual safety for workers and to compel them to use protective measures. Article 52 of the Labour Code also provides that: "With regard to arduous, unhealthy and underground work, hours of work shall not exceed 6 hours per day or 36 hours per week".

34. In accordance with articles 96 to 116 of the Labour Code, the labour inspectors carefully examine working hours, holidays and leave, conditions of work of women and youths, wage and pay agreements, collective contracts, shifts and overwork, etc. They work as agents of the Ministry of Justice. Whenever an inspector considers operating with a specific tool or a dangerous working environment, he can enforce the shutdown of a part of or the whole enterprise and in such a case, the employer is bound to secure the payment of wages and benefits of workers during the shutdown or suspension of work. Thus resumption of work is postponed until the employer receives a certificate of permission to continue the activity from the labour inspectorate of the Ministry of Labour.

35. Implementing article 12 on job classification, circular No. 61462 dated 20 November 1961 (1982) of the Minister of Labour and Social Affairs, has explicitly underlined the rules and regulations regarding promotion of workers. Since the implementation of job classification in all undertakings is compulsory, the chances for promotion of all workers are equal. They may gain the necessary qualifications for article 12 that reads: "Employees may be promoted to a higher grade if the following conditions are met:

(a) Existence of a vacancy in a higher grade;

(b) The eligibility of the worker to be promoted;

(c) Approval of the job classification committee of the workshop;

(d) Approval of the management;

(e) Participation in a three-month trial period."

36. To obtain better skills and be promoted to higher grades, workers in private and state-run sectors are trained in technical and vocational training centres which are located close to their workplace, as well as in other areas around the country.

Article 8. Trade union rights

37. In accordance with article 131 of the Labour Code, both workers and employers have the right to organize and join trade unions. The Workers' House of the Islamic Republic of Iran is the largest organization of workers in the country. The tendency of workers to organize, from 1979 onwards, was the main factor in the formation of the new trade unionism. In 1980 the Islamic Councils of Employees Act was adopted and implemented until 1984 when it was replaced by the law of the Islamic Labour Councils, which was ratified by the Islamic Consultative Assembly in 1985.

38. This law has been ratified to implement articles 104, 105 and 106 of the Constitution of the Islamic Republic of Iran. Several councils in industrial, agricultural and service units all over the country have been set up to secure workers' rights. To protect these councils, several decisions, up to now, have been made by judicial authorities. The Islamic Labour Councils would be set up in units with more than 35 personnel; in units where there are fewer workers, representatives of the workers would be elected.

39. In accordance with the status of the Islamic Labour Councils, the members of these councils in fulfilling their duties, not only do not have any restrictions, but they are also entrusted with certain authority. They are elected by and are responsible to the General Assembly of Employees.

40. Any complaint regarding the failure of a council to act according to its legal status is investigated by a board, comprising seven members: three representatives of the councils, three representatives of the directors and one representative of the Ministry of Labour and Social Affairs.

41. In accordance with article 131 of the Labour Code, the right to organize trade unions, associations, guilds, and provincial and national trade association councils has been anticipated in the light of article 26 of the Constitution of the Islamic Republic of Iran. In chapter 6 of the Labour Code under the title "Workers' and employers' organizations", is it stated that:

> "In order to protect the legitimate and statutory rights and interests of workers and employers, and to improve their economic situation, which itself guarantees the interest of the society as a whole, workers are subject to the Labour Code, while employers of a given profession or industry may establish trade associations."

Article 9. The right to social security

42. Insured workers are entitled to the rights of social security in the following areas:

1. Long term protection

(a) Partial invalidity. The insured worker who has lost from 33 to 66 per cent of his working ability as a result of a working accident is called partially invalid. According to article 72 of the law the rate of the invalidity pension in such cases is determined by the percentage of invalidity.

(b) Total invalidity. If the degree of invalidity of the insured worker is 66 per cent or more, he is considered as totally invalid and the rate of the monthly invalidity pension is one thirty-fifth of the insured worker's average wage, multiplied by the years of payment of the insurance premium, provided that this amount is not less than 50 per cent and not more than 100 per cent of his average monthly wage or salary.

43. In the case of insured workers who are married or have children or dependents and whose eligible pension is less than 60 per cent of their average wage or salary, in addition an amount equivalent to 10 per cent of eligible pension will be paid as support, provided that the sum of pension and support is not more than 60 per cent of the wage or salary.

44. The insured worker who, as a result of occupational accident or disease, is recognized as totally invalid will receive an invalidity pension, regardless of the duration of the payment of insurance premium. In the case of total invalidity due to causes other than occupational accidents or diseases, the worker is entitled to receive an invalidity benefit, provided that during the last 10 years he has paid his insurance premium for at least one year, and that this amount is equivalent to or more than the insurance premium of 90 days for the year before the invalidity.

45. Retirement. Insured workers can retire and receive a pension under the following conditions:

(a) At the time of application for retirement, they must have 10 years of regular payment of the insurance premium;

(b) The male worker must be 60 years of age, and the female worker 55. However, in the case of insured workers who, before applying for retirement, have served at least 20 years successively or 25 years alternately, in the areas with an adverse climate, or workers in hard and harmful jobs, the age of retirement will be 55 years.

46. Insured employees who have worked for a full 30 years and have made regular insurance premium payments, can apply for retirement at the age of 55. The employers, in the case of those insured workers who have continued working for at least five years after retirement age, can apply for their retirement. The rate of pension is one thirty-fifth of the average wage or salary of the insured worker multiplied by the years of insurance premium

payment, provided that such an amount does not exceed 100 per cent of the worker's average wage. The average wage for calculating the pension is the total wage or salary of the insured worker, added to the premiums which have been paid during the last two years, divided by 24.

47. Survivors' pension. Pensions are paid to eligible survivors in the following cases:

(a) Death of an insured retired worker;

(b) Death of a totally invalid worker, who used to receive invalidity pension from the Social Security Organization;

(c) Death of an insured worker who has paid the insurance premiums for the preceding 10 years;

(d) Death of insured workers due to occupational accidents or diseases.

48. The eligible survivors who can receive a pension are:

(a) The wife of a dead male worker, as long as she remains unmarried, or the insured husband of a female worker if he has been dependent on his wife and his age is more than 60, or according to the certificate of the Medical Commission he is invalid and does not receive any pension from the Social Security Organization;

(b) The children until they reach 18 years of age, or until the end of their studies, or suffer from a sickness or physical defects (according to the certificate of the Medical Commission indicating their inability to work); the children of insured female workers may be entitled to this pension following the death of their mother if they have lost their father, or he is over 60, or according to the certificate of the Medical Commission he is invalid, and if he has been dependent on his wife;

(c) The dependent parents of an insured deceased worker, if the age of the dependent father is more than 60 or the dependent mother is more than 55, or according to the certificate of the Medical Commission they are invalid and do not receive a pension from the Social Security Organization.

49. The share of the pension of each survivor of an insured worker is as follows:

(a) The wife of an insured worker receives the equivalent of 50 per cent of the pension;

(b) Each child of an insured worker, receives the equivalent of 25 per cent of the pension, and if the child has lost both of his parents, his/her pension would be doubled;

(c) Each dependent parent of an insured worker receives the equivalent of a 20 per cent share of the pension, and if owing to the number of survivors the total of the shares becomes more than the total amount of the pension, the proportional deduction is made from the survivors' shares.

Short-term social security protection

50. This protection includes treatment, cash sickness benefits, marriage benefit, maternity benefit, family allowance, allocation of food coupons, unemployment benefit, non-compulsory insurance, and funeral allowance.

Treatment

51. The equivalent of 90 per cent of the insurance premium is allocated for the expenses of medical treatment and maternity care. In case of injury or sickness insured workers and members of their families are entitled to medical care. The medical care includes all kinds of medical treatment: ambulatory, clinical, the provision of essential medicines and diagnostic tests.

52. If the patient's treatment requires his transfer from village to city, the arrangements for his transfer are made in accordance with the procedures proposed by the Social Security Organization.

53. When an insured female worker or the wife of an insured male worker becomes sick, so that breast feeding her child is harmful, or she dies after childbirth, the required milk for the newly-born will be provided for up to 18 months.

54. The provision of health services related to the working environment is the responsibility of the employers. Insured workers who are in contact with harmful substances should be medically examined by the Social Security Organization.

Cash sickness benefits

55. Insured workers are entitled to receive cash benefits during sickness, a temporary inability to work, or a maternity rest period to compensate for the loss of wage or salary.

56. If an insured worker does not receive a wage or salary during medical treatment, and if he/she is unable to work owing to accident or disease, or to taking rehabilitation medication, he/she will receive wage compensation in the following circumstances:

(a) With regard to occupational accidents or diseases and rehabilitation remedies, compensation for wages will be received from the first day of treatment;

(b) In cases of ordinary sicknesses and accidents that prevent the insured from working, payment of compensation for wages depends on a physician's recommending rest or hospitalization, and the date of announcing

the sickness. Concerning ordinary sickness, if patients are not hospitalized, they will not receive compensation for wages during the first three days of rest.

57. Compensatory wages are paid as long as the insured is not able to work according to the advice of the physician and endorsement by a physician from the Regional Health Organization.

Marriage benefit

58. This is an amount of money paid to the insured worker to support his or her marriage financially. The worker is eligible to receive a marriage benefit under the following conditions:

(a) If the worker is marrying for the first time;

(b) If at the date of the marriage the relationship with his/her employer has not been terminated;

(c) If the worker has paid insurance premiums for at least 720 days within five years prior to the date of marriage.

If the two parties to the marriage are eligible under the above terms, marriage benefits will be paid to both of them.

Maternity benefits

59. The Regional Health Organizations are responsible for all the necessary medical care and medication support for insured female workers. The Social Security Organization is responsible for paying maternity benefits during pregnancy and maternity leave. The amount of maternity benefit will be two thirds of the last wage received by the insured and will be paid to her for a maximum of 12 weeks before and after childbirth. The maternity benefit, medication services and childbirth/care is paid if the insured had paid insurance premium for at least 60 days within a year before the pregnancy.

Family benefits

60. This is an amount of money paid to families with up to two children by employers, provided that:

(a) The Insured has paid insurance premiums for at least 720 working days;

(b) The children of the insured are either under 18 years of age or, if they are still being educated (until the end of their education), or unable to work owing to sickness or physical defects (with the approval of the Medical Commission). The amount of the monthly family benefit will be three times the minimum daily wage of an unskilled worker in any region.

Unemployment benefit

61. This is the support given to the insured by the Social Security Organization for a certain period of unemployment in accordance with the Unemployment Insurance Act. The unemployment premium is a percentage of the worker's wage which has to be paid by the employers. Unemployed workers are entitled to receive this benefit for the period of unemployment only if they are eligible under the following conditions:

(a) Prior to becoming unemployed, insurance premium should be paid for at least six months;

(b) Within 15 days from the time of unemployment, the worker should inform the Ministry of Labour and Social Affairs of his or her unemployment and willingness to return to work;

(c) If necessary, unemployed individuals should attend vocational training and literacy courses given by the Ministry of Labour and Social Affairs, as well as literacy campaign centres, and should submit relevant certifications on these issues to a branch of the Social Security Organization once every two months.

62. When receiving unemployment benefit workers may be placed in a job where the wage and fringe benefits are less than unemployment benefits. In these cases, the difference will be paid to the insured from the unemployment insurance fund. The period during which the insured receives a cash sickness or maternity benefit will be regarded as days of payment of unemployment insurance premium. In the case of accidents, sickness or pregnancy the unemployed insured and their dependents will receive free medical care.

63. Benefits for the period of unemployment, like other benefits paid by the Social Security Organization, will be exempted from taxes. The period that an insured receives unemployment benefit is considered for entitlement to retirement, invalidity and survivors' benefits.

64. The duration of payment of unemployment benefit is given above in paragraph 12. In the event of re-employment, payment of unemployment benefit will be ended. If unintentional unemployment re-occurs, unemployment benefit will again be paid, upon the endorsement of the Ministry of Labour and Social Affairs.

65. Unemployment benefit is paid from the first day of unemployment. An amount equivalent to 20 per cent of the minimum wage of single workers will be added to the benefits of married workers, who have four dependents at most. If the unemployed insured do not announce their re-employment and continue to receive unemployment benefit, they must reimburse the total sum they received from the date of re-employment.

Non-compulsory insurance

66. Those who, for reasons not stipulated in the Workers' Social Insurance Act adopted in 1955, the Social Insurance Act adopted in 1960 and the Social Security Act approved in 1976, as well as the previous Civil Servants

Protection Law, are regarded as ex-insured individuals when, in compliance with the above-mentioned laws, they are eligible for a retirement pension or invalidity and survivors' benefit, and have at least a 360-day record of payment of insurance premium alternately or constantly, can continue their insurance, should they wish to do so, as a non-compulsory insurance.

67. The non-compulsory insurance premium is calculated on the basis of the sum of salary and fringe benefits from which an insurance premium was deducted within the last 360 days of payment of premium prior to registration date of request, divided by 360, multiplied by 30. At any rate this sum should not be less than the minimum wage received by an unskilled worker.

68. Those to whom a non-compulsory insurance system applies can, through paying the insurance premium, enjoy benefits stipulated in the Social Security Act as follows:

(a) Retirement insurance (including old-age benefit and survivors' benefits after retirement) at the insurance premium rate of 12 per cent;

(b) Death and retirement insurance (including old-age and survivors' benefits before and after retirement) at the insurance premium rate of 14 per cent;

(c) Retirement, invalidity and survivors' benefits at the insurance premium rate of 18 per cent.

69. In addition to paying an insurance premium at the above-mentioned rates, non-compulsorily insured individuals are entitled to accident, sickness and maternity benefits by paying an insurance premium at the rate of 9 per cent.

70. Should payment of insurance premiums be discontinued by the insured after adherence to the non-compulsory insurance, and the period between the date at which payment of the insurance premium ceased, and the date of repayment does not exceed six months, the relationship between the insured and the insurer ends, and continuation of non-compulsory insurance is made by submission of a request and with the agreement of the insurer (Social Security Organization).

71. The terms for payment and the amount of retirement, survivors' and invalidity benefits, as well as the conditions for receiving health and medical care at the time of non-compulsory insurance and after payment of the above benefits, shall be precisely compatible with the procedures set forth in the Social Security Act and its ensuing modifications.

Funeral expenses

72. Under article 84 of the Social Security Act, funeral expenses are paid. Such expenses for an insured person who dies will be paid to his wife, children, father or mother only when the original identification card, Social Security card, a copy of the death certificate, as well as the receipt issued by the municipality or the office of the mayor of a district confirming the burial of the dead, are submitted to the Organization.

Article 10: Protection of the family, mothers and children

73. In response to the three parts of article 10 of the Covenant, attention should be paid, firstly, to some articles of the Constitution of the Islamic Republic of Iran, and secondly, to some articles of the Civil Code, etc.

(a) Article 10 of the Constitution provides that:

"Since the family is the fundamental unit of Islamic society, all relevant laws, regulations and plans must be drawn up in such a way as to facilitate the establishment of the family, the protection of its sanctity and the maintenance of family relations on the basis of Islamic rights and ethics."

(b) Article 20 of the Constitution provides that:

"Every individual of the nation, whether man or woman, is protected by law equally, and enjoys all human, political, economic, social and cultural rights with due regard to Islamic standards."

(c) Article 21 provides that:

"The Government is bound to guarantee women's rights in all respects with due regard to Islamic standards and to fulfil the following tasks:

(i) Establishment of a favourable background for the development of women's personality and revival of their material and intellectual rights;

(ii) Protection of mothers, particularly during the period of their pregnancy, child care, and protection of homeless children;

(iii) Setting up competent courts for protection and preservation of the family;

(iv) Establishment of special insurance for homeless widows, and elderly women;

(v) Granting children's guardianship to competent mothers for their happiness and prosperity, in the absence of any religious guardians."

(d) Article 30 of the Constitution provides that:

"The Government is bound to bring about the means for a free education for all up to the end of the secondary school course, and to extend facilities free of charge for higher education to achieve self-sufficiency."

74. In addition to the Constitution, certain articles of the Civil Code pertain to the family and the free consent of intending spouses. The contents of the relevant articles of the Civil Code are as follows:

(a) In article 1062 of the Civil Code it is stated explicitly concerning marriage that:

"Marriage takes place through affirmation and acceptance denoting a clear intention to get married."

(b) Article 1070 of the Civil Code provides that:

"The consent of marrying parties is the primary condition upon which the marriage contract can be enforced. If a party showing initial reluctance, subsequently authorizes the making of the contract, the contract will be binding, unless the reluctance is so acute that the reluctant person cannot be considered as having been in possession of intention."

(c) Article 1160 of the Civil Code concerning maintenance of children provides that "Parents have both the right and the duty to maintain their children."

75. In this connection, article 1172 of the same Code provides as follows:

"Neither of the parents can refuse to maintain the child during the time that he or she is responsible for its custody. If he or she does so, the court must induce him or her, on application by the other party, or the guardian, or one of the relatives, or the public prosecutor, to assume custody. If such enforcement is impossible or ineffective, the court must arrange custody at the expense of the father, or the mother in the event of the death of the former."

76. Concerning the education of children, article 1178 of the Civil Code provides that:

"Parents are bound to take such measures as circumstances and their means allow for the education of their children. They must not leave their children's talents undeveloped."

Article 1173 of the Civil Code provides that:

"If the physical health or moral education of the child is endangered as the result of carelessness or moral degradation of the father or mother who are responsible for its custody, the court can take any decision appropriate for the custody of the child, on the request of its relatives, or its guardian or the public prosecution."

77. In addition to the above articles, the Civil Code of Iran has taken special measures for the protection of and assistance to all children. For instance, article 1174 provides that:

"If the parents of the child do not live in the same house owing to divorce or any other reason, eithe r of the parents who is not in charge of the custody of the child has the right to visit the child. Determination of the time and place of visit and other particulars will be decided by the court if there is any dispute between the parents about them."

78. Article 1175 of the Civil Code provides that: "A child cannot be taken from the parents, or the father or the mother who is in charge of its custody, except in cases where legal justification exists for doing so". Finally, the Civil Code of Iran has recommended children to obey and respect their parents. Article 1177 of the above Code provides that "A child must obey its parents and must respect them whatever its age."

79. With regard to the protection of the family, it is necessary to pay attention to paragraphs (1) and (4) of article 43 of the Constitution of the Islamic Republic of Iran. According to this article, the economy of Iran is based on the following criteria:

Article 43, paragraph 1, stipulates the "provision of fundamental requirements for housing, food, clothing, health, treatment, education and necessary facilities for the establishment of a family for all". Article 43, paragraph 4, provides for "Respecting freedom for choosing a job, non-compulsion of persons to a definite work and prevention of exploitation of another person's work."

80. With regard to the work of mothers and protecting them during a reasonable period before and after childbirth, article 75 of the Labour Code ratified by the Islamic Consultative Assembly in 1990 provides that: "It is forbidden for women workers to perform dangerous, arduous and harmful work, or to carry loads heavier than the authorized weight manually and without using mechanical means. Instructions and determination of the type and degree of such cases shall be at the suggestion of the Supreme Labour Council and subject to the approval of the Minister of Labour and Social Affairs."

81. Article 76 of the Labour Code provides that:

"Maternity and childbirth leave for women workers will be 90 days altogether, 45 days of which shall, as far as possible, be taken after childbirth. In the case of the birth of twins, 14 days shall be added to the above leave.

Note 1. Upon the termination of maternity leave, the woman worker will return to her former job, and this period will be a part of her service record, subject to the confirmation of the Social Security Organization.

Note 2. The salary for the maternity leave period will be paid according to the Social Security and Pregnancy Law."

82. Article 77 of the Labour Code states:

"Where, on the advice of a physician of the Social Security Organization, a type of work is deemed dangerous or arduous for a pregnant worker, the employer shall, without reducing her remuneration, provide her with more suitable and easier work until the end of her pregnancy."

Article 34 of the Labour Code defines remuneration as follows: "All lawful income received by a worker pursuant to his employment contract, including wages, salary, family benefits, housing allowance, foodstuffs, free transportation and other benefits in kind, productin-increase bonuses, shares of annual profits and the like, shall be considered remuneration."

83. Article 78 of the Labour Code provides:

> "In work places employing women, nursing mothers shall be granted a half-hour break every three hours to enable them to nurse their children until they reach two years of age. Such breaks shall be regarded as part of the hours of work. Furthermore, employers shall set up children's care centres (such as day nurseries, kindergartens and the like) according to the number of children, with due regard to their age.
>
> "Note: Implementing rules and standards for the establishment and management of day nurseries and kindergartens shall be drawn up by the State Welfare Organization and put into effect after approval by the Minister of Labour and Social Affairs."

The note to article 2 of the regulations pertaining to leave, the subject-matter of articles 47, 48 and 49 of the State Employment Law, ratified by the Council of Ministers on 14 October 1967, with its subsequent amendments until 26 November 1989, provides as hereunder concerning working mothers:

> "Women with suckling babies who nurse their babies themselves can, until the time when their babies reach two years of age, benefit from hourly leaves until entitlement leave (including annual entitlement leave together with the reserved leave)."

84. Article 26 of the same regulations provides:

> "Pregnant women are granted three-months' leave with salary and allowances for every childbirth up to three children, and two months' leave with salary and allowances for the fourth and subsequent children. Maternity leave is considered as a part of treatment leave and its commencing date will be at the discretion of the attending physician."

85. The law for granting unpaid leave for fixed and official employees whose spouses are sent abroad on fixed assignment provides:

> "Employees covered by the State Employment Law, the government companies covered by the Employment Regulations for government companies ratified on 26 May 1973, members of universities and institutes of higher education, employees of the military and disciplinary personnel of the Armed Forces and the diplomatic personnel of the Ministry of Foreign Affairs, as well as employees of government institutes and companies that have special employment regulations; furthermore the institutions of the Islamic Revolution of Iran and the institutes where the application of the regulations requires their name being mentioned, municipalities, banks and insurance companies and generally profit-making institutes affiliated to the Government and the institutes and companies affiliated and subsidiary to the said institutes, where spouses are sent abroad on

mission, can, without any time limit benefit from unpaid leave until the termination of the mission. Agreement to this leave will be made after the declaration of the sending authority and determination of the period of assignment of the employee. The unpaid leave covered by this law shall not exceed six years."

The above law, consisting of a single article, was ratified by the Islamic Consultative Assembly on 22 November 1987 and confirmed by the Guardianship Council on 10 December 1984.

86. In order to preserve the dignity of the family and the guardianship of children, the law on half-time service for women was ratified in 1983, and the law on the implementation of the above law was ratified and put into effect in 1985. By virtue of this law, women who are official and fixed employees of ministries and State institutes and companies, etc., can benefit from half-time service subject to the agreement of the highest authority of the organization concerned.

Working conditions of young workers

87. In this regard article 79 of the Labour Code provides that: "It shall be prohibited to employ any person under 15 years of age." Furthermore, article 80 of the same Code provides that: "A worker between 15 and 18 years of age, hereinafter referred to as a "young worker", shall undergo a medical examination by the Social Security Organization prior to commencing employment."

Article 81 of the Labour Code provides:

"The medical examination of a young worker shall be repeated at least once a year, and the relevant documents shall be recorded in his service file. The physician shall express an opinion on the suitability of the type of work performed by a young worker according to his abilities. Should he consider the work to be unsuitable, the employer shall, to the greatest possible extent, reassign the worker to another position."

88. Article 82 of the said Code provides that: "Daily working time for young workers shall be half an hour shorter than ordinary hours of work. Arrangements for this purpose shall be made by agreement between the worker and the employer." Article 83 of the Labour Code states:

"It shall be prohibited to assign overtime work, shift work, or arduous, harmful or dangerous work to young workers or to require them to carry loads heavier than the authorized maximum weight without using mechanical means."

89. Article 84 of the Labour Code states:

"In occupations and jobs which, on account of their nature or of the conditions in which they are performed, may be prejudicial to the health or morals of trainees or young workers, the minimum working age shall be 18 years. Such cases shall be determined at the discretion of the Ministry of Labour and Social Affairs."

Article 85 of the Labour Code provides:

"In order to protect the human and material resources of the Islamic Republic of Iran, all workplaces, employers, workers, and trainees shall observe such instructions as may be drawn up by the High Council of Occupational Safety (with regard to occupational safety) and the Ministry of Health, Therapeutic Care and Medical Training (with regard to the prevention of occupational diseases and the maintenance of occupational health and the work environment).

"Note. Family workshops are also subject to the provision of this chapter and shall observe the principles of occupational safety and health."

90. By virtue of article 96 (a) of the Labour Code, the Labour Inspection Department of the Ministry of Labour and Social Affairs undertakes:

"To supervise the implementation of regulations governing working conditions, particularly protective regulations for arduous, harmful and dangerous work, working time, wages, workers' welfare, and the employment of women and young workers."

Article 117 of the Labour Code provides that: "In-service training shall be authorized for young workers up to the age of 18 years provided that such training is neither beyond their capabilities nor damaging to their health or physical and intellectual development."

91. Article 171 of the Labour Code reads:

"Any failure to fulfil the obligations prescribed in this Code shall, as the case may be, be punished by imprisonment or a fine or both, in accordance with the following sections and taking account of the situation and means of the offender and the degree of the offence. Where non-compliance with the said statutory obligations results in bodily harm or a worker's death, the court shall decide the case in accordance with the law applicable thereto, without prejudice to the penalties provided for in this chapter."

92. Article 173 of the Labour Code reads:

"Any person who contravenes sections 149, 151, 152, 153, 154 or 155 or the second part of section 78 shall have to remedy the breach within such time-limit as may be set by the court in consultation with the representative of the Ministry of Labour and Social Affairs. In addition, and having due regard to the number of workers and the size of the workplace, the offender shall be subject to a fine of between 70 and 150 times the minimum daily wage applicable on the date of judgement for each violation in a workplace employing fewer than 100 workers. For every 100 additional workers in the workplace, the said fine shall be increased by 10 times the minimum wage."

93. Article 38 of the Labour Code provides that:

> "Equal wages shall be paid to men and women performing work of equal value in a workplace under the same conditions. Any discrimination in wage determined on the basis of age, gender, race, ethnic origin and political and religious convictions shall be prohibited."

94. With regard to violation of article 38, etc., article 174 of the Labour Code provides that: "Any person who commits an offence under sections 38, 45 or 59 or under the note in section 41 shall, in respect of each offence, as the case may be, remedy the offence or pay any amounts due to the worker, or both, within such time-limit as may be set by the court in consultation with the representative of the Ministry of Labour and Social Affairs. In addition, the offender shall be subject to the following fines in respect of each worker:

(a) For up to 10 workers, 50 to 70 times the minimum daily wage of a worker;

(b) For up to 100 workers, in excess of the first 10, 50 to 100 times the minimum daily wage of a worker;

(c) For more than 100 workers, in respect of the number in excess of 100, two to five times the minimum daily wage of a worker."

95. Article 175 of the Labour Code reads: Any person who commits an offence under the provisions of sections 78 (first part), 80, 81, 82 or 92 shall, for each offence and as the case may be, remedy the offence or pay any amount due to the workers or both, within such time-limit as may be set by the court in consultation with the representative of the Ministry of Labour and Social Affairs. In addition, the offender shall be subject to the following fines in respect to each worker:

(a) For up to 10 workers, 30 to 100 times the minimum daily wage of a worker;

(b) For up to 100 persons, in excess of the first 10 persons, 5 to 10 times the minimum daily wage of a worker;

(c) For more than 100 persons, in respect of the number in excess of 100, two to five times the minimum daily wage of a worker.

In the event of a second offence, the offender shall be subject to 1.1 to 1.5 times the maximum cash penalty specified above or to a term of imprisonment ranging from 91 to 120 days.

96. Article 176 of the same Code provides:

> "Any person who commits an offence under a provision of sections 52, 61, 75, 77, 79, 83, 84 or 91, shall, for every offence and as the case may be, remedy the offence or pay any amounts due to the workers, or both, within such time-limits as may be set by the court in consultation with

the representative of the Ministry of Labour and Social Affairs. In addition the offender shall be subject to the fines prescribed hereunder in respect of each worker:

(a) For up to 10 workers, 200 to 500 times the minimum daily wage of a worker;

(b) For up to 100 persons, in excess of the first 10, 20 to 50 times the minimum daily wage of a worker;

(c) For more than 100 persons, in excess of the first 100, 10 to 20 times the minimum daily wage of a worker.

In the event of a second offence, the offender shall be subject to a term of imprisonment ranging from 91 to 180 days."

Article 11. Right to an adequate standard of living

97. Paragraph 1 of article 3 of the Constitution provides for the:

"Establishment of a favourable environment for the development of virtues on the basis of faith and piety, and a campaign against all signs of corruption and perversion."

Paragraph 2 of the same article provides for: "raising public awareness in all respects through proper utilization of the press, the mass media and other means".

Paragraph 3 of article 3 of the Constitution provides for: "Free education and physical training for all at every level and facilitating and generalizing higher education".

Paragraph 8 of the same article provides for: "public participation in determining their own political, economic, social and cultural destiny".

Paragraph 9 of article 3 provides for the "Elimination of inadmissible discrimination and the creation of equitable means for all, in every material and intellectual field".

Paragraph 12 of article 3 of the Constitution provides for:

"Planning a proper and equitable economy according to Islamic standards to bring about welfare and remove poverty and any kind of deprivation with respect to nutrition, housing, job, health, and making insurance generally available."

Paragraph 13 of the same article provides for "Secure self-sufficiency in science, technology, industry, agriculture, etc.".

98. Article 28 provides:

> "Everyone is entitled to choose an occupation he wishes, provided it is not against Islam, public interests and other people's rights. The Government is, with due regard to the need of the society for various occupations, bound to bring about the means for equal employment opportunities for all."

99. Article 29 states:

> "Benefiting from social security, such as retirement, unemployment, old age, incapacity and accidents benefits, and health and treatment services and medical insurance is everyone's right. The Government is bound to provide the above services and financial protection for every individual out of the public income and that accrued from public participation, in accordance with the law."

100. Article 31 of the Constitution provides that:

> "It is the right of every Iranian individual and family to have housing suitable for their needs. The Government is bound to facilitate implementation of this article, while giving priority to those who have greater need, particularly villagers and workers."

101. Paragraph 1 of article 43 of the Constitution calls for the: "Provision of essential needs for housing, food, clothing, health, treatment, education and necessary facilities for the establishment of a family for all".

Paragraph 4 of the same article provides for the: "Observance of freedom of occupation selection and non-compulsion of persons to do a specific job, and prevention of exploitation of other persons' work".

102. The law for the separation of functions of the Ministries of Construction Jihad and Agriculture, in order to improve production methods, and to preserve and distribute foodstuffs, ratified on 2 September 1990 is quoted hereunder:

> "As of the date of ratification of this Law, the functions of the Ministries of Construction Jihad and Agriculture are separated in the following matters thus:
>
> 'All matters related to agriculture, water and soil within forms (and seven-man boards) shall be undertaken by the Ministry of Agriculture, and all matters related to preservation, revival extension and exploitation of natural resources (forests, pastures, fisheries and aquiferous maintenance), cattle, birds, rural development, rural industries and rural water systems shall be undertaken by the Construction Jihad'."

103. Article 4, paragraph (a), part one of the addendum to the single article of the First Economic, Social and Cultural Plan of the Islamic Republic of Iran ratified on 31 January 1980, concerning the provision of housing provides for the:

"Establishment of economic development to increase per capita production, employment and reducing economic dependency while emphasizing self-sufficiency of strategic agricultural products and control of inflation."

104. Note 11 to the single article of the First Economic, Social and Cultural Plan ratified on 31 January 1980 states:

"In order to enable people to have access to low rental housing and to establish a basis for the construction of sufficient rental houses, the Government is bound to put legal facilities and necessary credits at the disposal of appropriate specialized and guild organizations, which are to be set up for this purpose within the framework of public companies and cooperatives."

105. Paragraph 2, article 4, part B of the Policies of the First Plan stresses the:

"Development of capital and intermediate production with emphasis on water and soil for agriculture ... required by society and ... giving priority to the maximum utilization of the existing capacity."

Furthermore, paragraph 4, article 4, part B of the same provides for the "Increase of exports of the agricultural sector through maximum utilization of existing capacities and additional capital".

106. Paragraph 7, article 4, of part B specifies: "Supplying infrastructure services to rural regions and depressed areas". Paragraph 13, article 4 of the same part places "emphasis on the implementation of projects for exploitation rate from the water provided by irrigation network and drainage, equipping and renovation of lands and their levelling".

Paragraph 38, article 4, part B, of the supplement to the above Law provides for the:

"Extension and development of appropriate industries (materials, machinery and technology, mainly local or domestic) in rural regions; reinforcement and development of the competitive and productive capacity of small industries."

107. Paragraph 4, article 6 of the same Law, provides for:

"Establishing standards for the construction of urban and rural housing, appropriate production facilities and regional and development criteria; preparation of a legal system to increase the supply of residential units together with reduced area under construction; construction and supply of rented houses, extension of activities for production of building materials."

108. In the above amendment, the annual rate of growth within the framework of economic development will be 61, 9.1 and 14.5 per cent respectively for agriculture, water and electricity and the construction sectors. Taking

account of the demand for agricultural food products, the planned production growth in the agricultural sector will make it possible to gradually bridge the gap between production and consumption of agricultural products within the next 10 years.

109. Another paragraph of the general Policies of the Five-Year Economic Development Plan provides that: "the Government will provide the necessary facilities for the export of agricultural goods, such as trade and technical information, as well as credits for farmers".

In part 9 of the same general Policies it is stated that:

> "Extensive planning for the establishment of fundamental relations among industrial and agricultural research and production centres, training of researchers, improvement of research quality through the establishment of relations between State, cooperative and private research centres with universities of the country, as well as similar research centres in advanced industrial and agricultural countries."

Article 12. The right to physical and mental health

110. In connection with this article of the Covenant, article 29 of the Constitution states:

> "Enjoyment of social security ... health and treatment services and medical care in the form of insurance is a public right. The Government is bound to provide the above services and financial protection for all out of the public and people participation income, according to the Law."

111. Article 50 of the Constitution provides:

> "In the Islamic Republic, the conservation of the environment in which the present and future generations should enjoy a developing social life, is regarded as a practical duty. Hence any economic activity which causes pollution of the environment or irreparable damage thereto, is forbidden."

112. Paragraph 2, article 6, part B of the General Objectives of the First Five-Year Economic Development Plan provides for the "provision of general hygiene, treatment, training and primary health care for the general public, with emphasis on deprived regions and rural areas". Furthermore, paragraph 3 of the same article stresses "purification of the environment".

113. The majority of ministers who are members of the Economic Committee of the Cabinet, with due regard to the delegated authority (see decree No. 908/T/103950 dated 11 January 1990), approved the following with regard to the importation of dried milk and special foodstuffs for sick children:

> "At the discretion of and subject to the agreement of the Ministry of Health, Therapeutics and Medical Training, there is no objection to the import of dried milk and special foodstuffs for children suffering

from diseases mentioned in the letter No. D 3206 dated 12 August 1990 of the said Ministry, irrespective of whether the said materials are authorized, conditionally authorized or not authorized."

The above decree was approved by the President on 25 August 1990.

114. The decree concerning the functions of the executive agencies regarding implementation of the birthrate control policy provides as follows:

"In its session of 26 August 1990, the Council of Ministers, with due regard to article 138 of the Islamic Republic of Iran Constitution and on the basis of part (1-1), paragraph C, section one of the addendum to the First Economic, Social and Cultural Plan (1989) approved the goals of the executive agencies concerned about the birth control policy as follows:

Duties of the Ministry of Health, Therapeutics and Medical Training include:

(a) Putting 24 per cent of women and mothers who are within potentially fertile ages under coverage of family planning programming, while giving priority to those geographical regions and social strata who have suffered from economic, social and cultural losses because of unwanted fertility;

(b) Decreasing the mortality rate of mothers and the newborn."

115. Article 85 of the Labour Code provides:

"In order to protect the human and material resources of the Islamic Republic of Iran, all workplaces, employers, workers and trainees shall observe such instructions as may be drawn up by the High Council for Occupational Safety (with regard to occupational safety) and by the Ministry of Health, Therapeutic Care and Medical Training (with regard to the prevention of occupational diseases and maintenance of occupational health and the workers' health and the work environment).

"Note: Family workshops are also subject to the provision of this chapter and shall observe the principles of occupational safety and health."

116. Article 90 of the Labour Code reads:

"Any legal or natural person wishing to import or manufacture protective equipment shall, prior to doing so, send the specification of such equipment, together with samples, to the Ministry of Labour and Social Affairs and to the Ministry of Health, Therapeutic Care and Medical Training for approval."

117. Article 91 of the Labour Code reads:

"The employers and responsible officials of all workplaces covered by section 85 of this Code shall, in accordance with the decisions made by the High Council for Occupational Safety, obtain such facilities and equipment that may be required for the occupational safety and health of workers in their workplaces and put the same at their disposal, and shall instruct them in the use and operation of such equipment, and shall oversee the observance of safety and health regulations by the workers. The workers shall be required to use and maintain their individual protective equipment and to observe the relevant instructions at the workplace."

118. Article 92 of the Labour Code provides that:

"All workplaces covered by section 85 of this Code whose personnel are, because of the nature of their work, exposed to occupational diseases, shall keep medical records on all the workers concerned and require them to undergo the necessary tests and examinations at the health and therapeutic centres at least once a year, and shall record the results of such tests and examinations in the appropriate files.

"Note 1. Where the Medical Council finds that a person examined suffers from or is exposed to an occupational disease, the employer and responsible managers shall be required to transfer him to another suitable post without reducing his wage, in accordance with the advice of the said Medical Council.

"Note 2. Where such cases are diagnosed, the Ministry of Labour and Social Affairs shall be requested to inspect the workplace and reconfirm the technical, health and safety conditions therein."

119. Article 93 of the Labour Code reads:

"In order to supervise the proper implementation of safety and health regulations at the workplace, to promote workers' participation in this regard and to prevent accidents and diseases, an Occupational Safety and Health Committee shall be set up in such workplaces as may be designated by the Ministry of Labour and Social Affairs and by the Ministry of Health, Therapeutic Care and Medical Training.

"Note 1. The said Committee shall be composed of experts in the field of occupational safety and health or technical fields. Two qualified members of the Committee shall be appointed and entrusted with the duty of establishing contact between the Committee and the employer and with the Ministers. The appointments shall be confirmed by the Ministry of Labour and Social Affairs and by the Ministry of Health, Therapeutic Care and Medical Training.

"Note 2. The procedure for establishing the said Committee, and its composition, shall be prescribed in the instructions and regulations to be drawn up and published by the Ministry of Labour and Social Affairs and the Ministry of Health, Therapeutic Care and Medical Training."

120. Article 94 of the Labour Code provides:

"Where one or more workers or employees of workplaces covered by section 85 of this Code foresee the occurrence of an industrial accident or occupational disease in their workplace or unit, they shall bring the matter to the attention of the Occupational Safety and Health Committee or to the person responsible for the Occupational Safety and Health Office. Their report shall be recorded in a book kept for this purpose by the body or person thus informed."

As regards improvement of the environment, industrial and occupational health, reference can be made to articles 95 to 106 of the Labour Code.

121. The Law requiring Vaccination against Tetanus by Women Intending to Marry, ratified by the Islamic Consultative Assembly on 12 April 1988 reads as follows:

"Single Article. In order to prevent casualties due to tetanus among the newborn, women are bound to be vaccinated against tetanus, prior to their entry into a marriage contract, in areas determined by the Ministry of Health, Therapeutic Care and Medical Training. Marriage notary publics are bound to collect the valid certificate of anti-tetanus vaccination from the wife before performing the marriage rite, to file the same and then register the marriage, mentioning the details on the certificate.

"Note 1. The Ministry of Health, Therapeutic Care and Medical Training is bound to put the necessary facilities at the disposal of applicants.

"Note 2. With regard to other vaccinations, the type of vaccines, age groups and area of vaccination shall be determined by the Ministry of Health, Therapeutic Care and Medical Training. All units and agencies concerned are bound to cooperate, and all persons who are, on the basis of a declaration of the Ministry, to be covered by vaccination, must be vaccinated within the prescribed period.

"Note 3. With due regard to conditions and scope of the offender, occurrence of the offence and degree of punishment, the notary public offending for the first time will be sentenced to job suspension of one to six months, the second time to a cash penalty of from 10,000 to 50,000 toomans, and the third time to cancellation of his licence."

122. The Law pertaining to the Organization and Functions of the Ministry of Health, Therapeutic Care and Medical Training, ratified by the Islamic Consultative Assembly (ICA) on 24 May 1988 provides as follows:

"Article 1. The functions of the Ministry consist of:

(a) Determining and presenting policies and plans for activities related to the training of medical, research, health services, therapeutic, pharmaceutical, welfare and social security personnel;

(b) Providing public health and its promotion through the implementation of health plans, particularly environmental health, a campaign against diseases in the family and school, training in public hygiene, occupational and workers' health stressing primary health care, especially the health of mothers and children, with the cooperation of the agencies concerned;

(c) Establishing a uniform system for health, therapeutic care and medical training, and extension of health and therapeutic facilities;

(d) Performing basic and applied research in all medical, health and treatment fields, the establishment and extension of medical research units, overseeing their research, coordinating the programmes of medical and research institutes;

(e) Planning for appropriate and equitable distribution of manpower and other facilities (medical training, health and therapeutic facilities), with priority to health programmes and meeting the needs of deprived regions;

(f) Providing the necessary facilities so that everyone can benefit from therapeutic services to the greatest extent possible, through the establishment and extension of government therapeutic units, improvement of their standard and use, cooperation between charitable organizations and the private sector, and all types of health insurance;

Note: The Ministry of Construction Jihad will, within its assigned legal functions and with the agreement of the Ministry of Health, Therapeutic Care and Medical Training, assist health and therapeutic services in rural and tribal regions of the country.

(g) Providing the necessary services for physically, mentally and socially handicapped and rehabilitable persons, to the extent possible;

(h) Encouraging charitable persons and private institutes to take protective action for preschool children, the elderly, homeless families and needy persons, and unrehabilitable physically, mentally and socially handicapped persons, and rendering such services, through government organizations, wherever required, and supervising such actions;

(i) Determination and declaration of standards concerning:

(i) Health, therapeutic, welfare and pharmaceutical services;

(ii) Pharmaceuticals, foodstuffs, beverages, health, cosmetic, laboratory equipment and consumer materials in medical and rehabilitation fields;

(iii) Hygiene of all service and production institutes related to the above services and materials."

123. Article 6 of the same Law provides:

"Ministry of Health, Therapeutic Care and Medical Training with the participation of banks, cooperatives and the private sector, or any one of the above, may build hospitals where required. The method of participation and administration of the said hospitals shall be according to the Law of Commence and in the form of a company with a minimum of 51 per cent government shares.

"Note: Ministry of Health, Therapeutic Care and Medical Training is authorized to transfer, against money, its unfinished land and buildings in needy localities to the Social Security Organization for the construction of health and treatment centres. The sum thus accrued will be deposited in the Public Treasury and, through the public budget, will be put at the disposal of the Ministry of Health, Therapeutic Care and Medical Training to be used only for the construction, completion or equipment of the health and treatment centres in other provinces."

124. The Law for Training of Health Technicians and Campaign against Diseases, ratified by ICA on 9 August 1983 provides as follows:

"In order to secure health and treatment personnel in deprived rural and tribal areas, the Ministry of Health is bound to implement the project for Training Health Technicians and campaign against diseases in every province."

125. The Law for Membership of the Antileprosy Campaign Organization in the Antileprosy Campaign Section of the World Health Organization was ratified by ICA on 14 February 1984. It provides as follows:

"Single Article. The Antileprosy Campaign Organization of the Ministry of Health, which is active in the prevention and control of leprosy and with the cured lepers and their families, is authorized to accept membership of the Antileprosy Campaign Section of WHO and to pay the membership fee."

126. The Law for the Prevention of Venereal and Infectious Diseases, ratified on 1 June 1941 reads as follows:

"Article 1. In regions to be announced by the Ministry of the Interior, those who are suffering from venereal diseases shall take action to cure themselves within a month from the date of notice.

"Note: Venereal disease is defined as gonorrhoea, syphilis or mild chancre.

"Article 2. Treatment of venereal diseases in all health centres is free of charge for all during the contagious period and for the destitute during other periods.

"Article 3. Treatment is permitted by a physician medically licensed in Iran. However, during the contagious period, if a patient fails to appear at the physician's office or the government centre during 10 days from the date fixed by the attending physician, and if another physician does not inform the first that the patient is under treatment, then the first physician is bound to report the matter confidentially to the health centre in order to compel the patient to undergo treatment.

"Article 4. Those physicians or others in the medical profession who mislead patients suffering from venereal diseases by unfounded propaganda, or who prevent patients from undergoing proper treatment by means of false promises, for example, by saying that they have cured the patient within several days, or who deceive patients by means of contracts or advertisements contrary to the medical profession, will be sentenced to corrective terms of imprisonment ranging from two months to one year, or a cash penalty of from 200 to 2,000 Rls.

Those who treat patients without having a medical licence, will be sentenced to corrective terms of imprisonment ranging from two to six months or to a cash fine of from 500 to 5,000 Rls.

"Article 5. Where the condition of the patient or the nature of contagion causes anxiety, the health centre may require the patient to undergo treatment in a hospital until the danger of contagion is removed.

"Article 6. The guardian of a minor or insane person is bound to get the venereal disease of the minor or the insane under his charge treated. If the guardian fails to do so, and the disease of the minor or insane person is allowed to be communicated to others, the guardian will be sentenced to imprisonment of from eight days to one month or to a cash penalty of from 50 to 500 Rls.

"Article 7. The Ministry of Health is bound to require persons whose occupations may cause dissemination of venereal diseases, to appear on certain days for examination in health centres or at the offices of physicians appointed by the Ministry of Health. If it is found that

their disease is contagious, they will be barred from continuing their occupation and if they continue to work before it is certified that their disease is not contagious, and without having obtained a certificate to this effect, then they will be sentenced to from eight days to two months of corrective imprisonment and payment of 51 to 500 Rls, or to either of the two above sentences.

"Article 8. The General Health Department is bound to pass necessary regulations in accordance with this law in order to fight against dissemination of venereal diseases. In the case of a person whose condition is such as to make him think that his disease is contagious and who, through intercourse, transmits the disease to someone else, if the latter files a suit with the judicial authorities, the first person will be sentenced to corrective terms of imprisonment of from three months to one year. Legal action will be taken only if there is a private complainant. If the latter withdraws his claim, then prosecution and execution of punishment will be terminated.

"Article 10. When a woman suffering from syphilis knows, or her condition is such as to make her think, that her disease is contagious, and she breastfeeds a healthy child, she will be sentenced to imprisonment from two to seven days. If the child contracts syphilis, the offender will be sentenced to imprisonment from one to three months, or to a payment of 300 to 1,000 Rls, or to both. The same punishment will be imposed on a person who knowingly entrusts a child suffering from syphilis to a healthy woman to breastfeed, and the woman contracts syphilis. The prosecution of the person in the latter case would depend on a suit being filed by a private claimant.

"Article 11. Anyone wishing to entrust a child to a wetnurse is, prior to the nurse breastfeeding the child, bound to have them both tested by a physician by appropriate means and to obtain a health certificate to the effect that neither the child nor the nurse are suffering from syphilis. In case of violation, the person concerned will be sentenced to from three to seven days' imprisonment or to a cash fine of from 5 to 50 Rls. If either the child or the nurse suffers from the disease, the offender will be sentenced to corrective terms of imprisonment of from two to six months.

"Article 12. If a health office learns about someone suffering from a contagious venereal disease, it can make inquiries by appropriate means to find out whether or not the patient is undergoing treatment. If necessary it may give him a warning, so that if the patient does not undergo treatment within the prescribed time, the health office can compel him to do so.

"Article 13. Liberal physicians and all health offices dealing with the examination and treatment of persons suffering from venereal diseases are bound to report the number of such patients visited, who had not previously been referred to another physician, without mentioning the names and particulars of such patients, to health offices at the end of each month. The manner of sending the number of patients shall be according to regulations that are to be drawn up by the Health Department.

"Article 14. Liberal physicians and all health offices dealing with the examination and treatment of patients suffering from venereal diseases must, to the extent possible, try by means of questioning the patients, to determine the centre of dissemination of the disease and, without mentioning the names and particulars of patients, send sufficient information, at an appropriate time, to the health office concerned, for investigation and removal of the disease dissemination centre so that action can be taken.

"Article 15. The Ministry of the Interior will determine those regions where this chapter of the law should be implemented.

"Article 16. It is compulsory to vaccinate a child against smallpox within two months after its birth and again at the age of 7, 13 and 21 years in accordance with the special regulations. The guardians of children are bound to have their children vaccinated against smallpox; the headmasters of schools, educational establishments and faculties, at the time of enrolment of students and in those places announced by the Health Department, and all national, State and commercial institutes, at the time of employment of workers and trainees, should demand a smallpox vaccination certificate. Violators of this article and the guardians of children who fail to have the children under their charge vaccinated against smallpox, or who fail to renew vaccination within one month after announcement by the Health Department, will be sentenced to prison terms ranging from three to seven days and to a cash penalty.

"Article 17. At the time of an epidemic of smallpox, the Health Department will announce public and compulsory smallpox vaccination. All physicians in the country are bound to have their patients vaccinated; violators of this article will be sentenced to corrective imprisonment of from eight days to one month.

"Article 18. It is forbidden to carry out smallpox vaccination with human vaccines. Violators will be sentenced to terms of imprisonment ranging from eight days to one month and to payment of 51 to 500 Rls, or to either of the above two punishments.

"Article 19. Upon detecting any of the following infectious diseases, an attending physician is bound to report the matter immediately to the Health Department:

1. Cholera
2. Plague
3. Yellow fever
4. Typhoid
5. Typhus
6. Smallpox
7. Scarlet fever
8. Measles
9. Diphtheria
10. Dysentery
11. Meningitis
12. Malaria

"The same duties should be discharged by midwives for lochial fever and conjunctivitis of the newborn. Family heads and hotel owners have the same duty towards, respectively, the members of their household and guests. Moreover, if unusual casualties are observed in villagers within a week, village headmen are bound to report the matter to the health office immediately.

"Note. In addition to the above diseases, if the following diseases are observed in crowded locations such as schools, factories, nurseries, prisons, etc., those in charge and responsible physicians should report the matter to the health offices immediately: whooping cough, leprosy, erysipelas, parotitis and recurrent fever (typhus).

"Article 20. Where formation of a protective zone is necessary to keep water pure, the owners of water and land as well as the municipality of the area are bound to observe the health instructions given by officials. It is forbidden to pollute potable water or to dump rubbish and dirty objects in public thoroughfares. Violators of this article are liable to punishment in accordance with regulations to be drawn up by the Health Department.

"Article 21. Those who act contrary to health instructions issued for the preservation of food materials offered for sale, or who sell decayed foodstuffs, will be sentenced to terms of corrective imprisonment ranging from 15 to 30 days, or to a cash penalty of from 51 to 500 Rls.

"Article 22. Those who hinder implementation of health regulations or who cause dissemination of an infectious disease due to their negligence, will be sentenced to terms of corrective imprisonment of from eight days to two months, or to a payment of 51 to 500 Rls, or to either of the above two punishments.

"Article 23. All physicians, midwives and pharmacists are bound to put into effect the Health Department instructions for the campaign against infectious diseases. Violators are liable to prosecution in accordance with the health regulations.

"Article 24. The executive regulations of this law will be drawn up by the Health Department, and put into effect after approval by the Ministry of Justice and the Ministry of the Interior."

127. The law of 5 million rials credit for prevention of typhus and typhoid ratified on 11 March 1943 reads as follows:

"Single Article. The Ministry of Finance is authorized to spend the sum of 5 million rials out of the income of 1943 of the State on the prevention of typhus and typhoid in the capital and provinces, and to earmark the above sum in the current year budget of the Ministry of Health. Furthermore, in order to speed up the process, it is permitted that the relevant expenses related to the said sum, such as the purchase

of furniture and equipment and the completion of a place in the new building of the Ministry of Finance which is allocated for the treatment of patients suffering from typhus may be incurred without formalities of tender.

"Note: The Government is bound to carry out extensive studies for the prevention of, and campaign against, typhus and typhoid in Tehran and the provinces, and to demand credits for all expenses and necessary equipment."

128. The Law for General and Compulsory Innoculation of 25 September 1943 reads as follows:

"Article 1. In order to prevent and fight epidemic diseases, the Ministry of Health is authorized to declare general and compulsory innoculation at any time and place. Furthermore, during an epidemic the Ministry is authorized to order compulsory isolation of hospitalization and treatment of patients. Further, the Ministry is authorized to disinfect, according to technical standards, the houses of the above patients. The owners of houses must cooperate with Ministry officials in this regard.

"Article 2. In those areas where the Ministry of Health has declared that general and compulsory innoculation should be carried out, all residents are bound to be innoculated.

"Article 3. Those who contravene this Law will be prosecuted in accordance with article 22 of the Law pertaining to the Prevention of Venereal and Infectious Diseases, ratified in June 1941.

"Article 4. The executive regulations of this Law shall be drawn up by the Ministry of Health and will be put into effect after approval by the Council of Ministers."

129. The Basic Regulations for World Innoculation, approved by the Council of Ministers on 28 September 1932, read as follows:

"Article 1. Smallpox vaccination is necessary four times from the date of birth until 21 years of age. Special guardians (father, paternal grandfather or appointed guardian) are bound to have the child vaccinated, at a free State vaccination post or by a physician within six months after the birth of the child, and to receive a vaccination certificate. The children's second smallpox vaccination, i.e., between the ages of six and seven years, and third vaccination, i.e. at 12 to 13 years of age, must be carried out by the above persons. The fourth smallpox vaccination, i.e., between the ages of 19 and 21 years, shall be undertaken by the person concerned. In all cases a vaccination certificate should be obtained.

"Article 2. If the guardian neglects to have the child vaccinated, he will be given a warning when discovered and will be given a two months time-limit (except when smallpox is epidemic) to have the child vaccinated. In cases of violation, the offender will be punished according to misdemeanour regulations. The same ruling is applicable to those persons who, by virtue of article 1 (persons of 19 to 21 years) and article 3, should have themselves vaccinated.

"Article 3. At the time of a smallpox epidemic, each resident should renew his vaccination and obtain a certificate thereof if a period of more than three years has lapsed since his last vaccination. From the date of execution of this regulation, those who should have had a smallpox vaccination, and who have not done so, are bound to have a smallpox vaccination within six months, and obtain a certificate thereof.

"Article 4. The government vaccinators are bound to vaccinate people without delay as soon as anyone refers to them for vaccination.

"Article 5. The government vaccinators are not entitled to receive any fee and should deliver a vaccination certificate free of charge. In cases of violation, they will be prosecuted according to the regulations, and will be dismissed from service.

"Article 6. Non-governmental vaccinators are not entitled to any fee against submission of official vaccination certificate.

"Article 7. School headmasters are bound to demand a vaccination certificate when students are enrolled. A student should not be admitted to the school unless he submits such certificate. The offender is liable for prosecution according to the regulations.

"Article 8. All government offices are bound to demand the certificate of the last vaccination from candidates at the time of their employment and not to employ them unless the certificate is presented. Violation of this article will render the offender liable for prosecution."

Article 15. Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of the interests of authors

130. Paragraph (b) of article 2 of the Constitution of the Islamic Republic of Iran stipulates that "sciences and arts are the most advanced results of human experience, together with the effort to advance them further". Paragraph 4 of article 3 of the Constitution provides for "strengthening the spirit of enquiry, investigation, and innovation in all areas of science, technology and culture, as well as Islamic studies, by establishing research centres and encouraging research". Paragraph 8 of the same article provides for "the participation of the entire people in determining their political, economic, social and cultural destiny".

131. Article 20 of the Constitution reads:

"All citizens of the country, both men and women, equally enjoy the protection of the law and all human, political, economic, social and cultural rights, in conformity with the Islamic criteria".

132. Article 24 of the Constitution provides that:

"Publication and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public. The details of this exception will be specified by law".

133. Article 30 of the constitution provides that:

"The Government must provide all citizens with free education up to secondary school, and must expand free higher education to the extent required by the country for attaining self-sufficiency".

134. The law authorizing definite membership of Iran in the United Nations Educational, Scientific and Cultural Organization (UNESCO) reads as follows:

"Single Article. The National Consultative Assembly approves the Constitution of UNESCO, and allows the Government to announce definite membership of Iran in UNESCO.

"Note: The Ministry of Education will provide out of its own budget and within 1948 credits, the contribution of the Government of Iran as well as the salary and fringe benefits of the permanent Iranian Representative at UNESCO, not exceeding 1,500,000 rials per annum."

This Law consisting of one article was ratified on 6 July 1948.

135. In addition to the above single article, the Government of Iran has passed some laws concerning cultural agreements with various countries, including:

(a) The Law concerning Cultural Agreement between the Government of Iran and the Government of the Islamic Republic of Pakistan (9 March 1956)

(b) The Law pertaining to the Cultural Agreement between the Government of Iran and the Government of the Republic of India (10 November 1957)

(c) The Government of Iran and the Government of the Republic of Lebanon (10 December 1957)

(d) Iran and Greece (16 February 1958)

(e) The Law authorizing Adherence of the Government of Iran to the Agreement for Facilitating International Exchanges of Audio-Visual Means for Educational, Scientific and Cultural Purposes (10 December 1958)

(f) The Law on Adherence of the Government of Iran to the International Covenant for the Import of Educational, Scientific and Cultural Equipment (12 February 1965)

(g) The Law on Agreement concerning Cooperation between the Government of Iran and the Government of Yugoslavia in the Educational, Scientific and Cultural Fields (26 January 1965)

(h) The Law on Cultural Agreement between the Government of Iran and the Government of Jordan (16 February 1965)

(i) Government of Iran and the Government of the Republic of Turkey (28 February 1965)

(j) Government of Iran and the Government of Italy (17 April 1960)

(k) Iran and the Netherlands (23 May 1960)

(l) Iran and China (2 December 1965)

(m) Iran and the USSR (2 December 1967)

(n) The Law pertaining to the Cultural Treaty and Agreement and Technical and Scientific Cooperation between Iran and Morocco (28 December 1967)

(o) The Law on Cultural Agreement between the Government of Iran and the Government of Czechoslovakia (31 December 1967)

(p) Government of Iran and the Government of Argentina (25 January 1967)

(q) Iran and Saudi Arabia (25 April 1968)

(r) The Law on a Treaty of Friendship and Cultural Agreement between the Government of Iran and the Republic of Tunisia (1 January 1970)

(s) The Law on Cultural Agreement between the Government of Iran and the Republic of Indonesia (4 January 1972)

(t) Government of Iran and the Republic of France (18 June 1974)

(u) Government of Iran and the Sudan (8 December 1974)

(v) The Law on Cultural, Scientific and Technical Agreement between the Government of Iran and the Republic of Senegal (4 June 1974)

(w) Iran and Oman (8 December 1974)

(x) The Government of Iran and Korea (1 March 1975)

(y) The Government of Iran and the Republic of Korea (20 April 1975).

There are tens of other laws concerning cultural, scientific and technical agreement that have been signed with other Governments.

136. The Law on the Protection of the Rights of Authors, Composers and Artists was ratified on 1 January 1970 and reads as follows:

"Article 1. In this law authors, composers and artists mean "producers", and what is produced as the result of their knowledge, art or initiative, irrespective of the method by which it is expressed or created, is called "works".

"Article 2. The works protected by this law are:

1. Books, theses, pamphlets, dramatic composition, and any other scientific, technical, literary and artistic writings;

2. Poetry, songs, hymns and musical compositions, written, recorded or published in any way;

3. Audio-visual works to be performed on the stage or screen or broadcast through radio or television, written, recorded or published in any way;

4. Musical pieces, written, recorded and produced in any way;

5. Paintings, pictures, designs, geographical maps, decorative scripts and any decorative works, created in any way, simple or otherwise;

6. Any kind of statues;

7. Architectural work, such as designs and maps of buildings;

8. Photographic work, created through initiative;

9. Original work, related to handicrafts or industrial work, design of carpets and rugs;

10. Original work created on the basis of folklore, cultural heritage and national arts;

11. Original technical work;

12. Any other original work created through a combination of several works mentioned above.

"Article 3. The rights of the producer consist of the exclusive right for publication, supply and performance, as well as the material and intellectual right of the work.

"Article 4. The intellectual right of the producer is not restricted to any time or place, and is not transferable.

"Article 5. The producer of the works protected by this law can transfer his material rights in all cases, including the following, to other persons:

1. Production of cinema and television films, etc.;

2. Stage performance, such as theatre;

3. Sound or visual recording or disc, tape or any other means;

4. Broadcasting through radio and television;

5. Translation, reproduction and presentation of the work through printing, photography, gravure, cliché, mould, etc.;

6. Use of the work in scientific, literary, industrial, artistic and publicity activities;

7. Use of the work to create other pieces of work stipulated in article 2 of this Law.

"Article 6. A piece of work created through the cooperation of two or more producers, where their duties are not distinct from each other, is called "common work" and the rights arising therefrom are common to both producers.

"Article 7. It is permitted to quote published works, and to rely on them for literary, scientific, technical, educational and cultural purposes, and in a critical form, when the source is mentioned.

"Note: In the case of pamphlets prepared and reproduced by teachers for educational establishments, provided they are not for profit-making purposes, it is not necessary to mention the source.

"Article 8. Public libraries and institutes that collect publications, as well as non-profit-making scientific and educational institutes may, according to regulations to be approved by the Council of Ministers, take a copy photograph or transcribe the works protected by this Law, in required numbers and in conformity with their requirements."

(Articles 9 and 10 of the said Law are not related to the subject-matter of Article 15 of the Covenant.)

"Article 11. It is permitted to transcribe the works protected by this Law, mentioned in paragraph 1 of article 2, and to record radio and television programmes, provided it is done only for personal use and not for profit.

"Article 12. The period of utilization of the producer's material rights, provided for in this Law, which are transferred through guardianship or legacy, is 30 years from the date of death of the producer. When there is no heir or no transference through a will, the work shall be put at the disposal of the Ministry of Culture and Arts for use during the same period.

"Note: The protection period of common work, the subject matter of article 12 of this Law, shall be 30 years from the service of the last producer.

"Article 13. The material rights of the works produced by order, shall belong to the person giving the order, for 30 years from the date of the order's production, unless agreement has been reached for a shorter period and more limited arrangement.

"Note: The rewards, cash prizes and privileges which, in scientific, artistic and literary contests, and in accordance with the conditions thereof, are applicable to the works protected by this Law, the subject matter of this Article, shall belong to the producer.

"Article 14. The transferee of the rights of the producer can enjoy the rights for 30 years after transference, unless agreement has been reached for a shorter period.

"Article 15. In the cases of articles 13 and 14, after the expiry of the periods contained therein, the use of the said rights shall pertain to the producer, if he is alive, otherwise shall be subject to arrangements provided for in article 12.

"Article 16. In the following cases, the producer's material rights shall enjoy the protection of this Law for 30 years from the date of publication.

1. Cinematic or photographic works;

2. Where the work belongs to a legal person, or enjoyment of the right has been transferred thereto.

"Article 17. The name, title and the special mark identifying the work shall enjoy the protection of this Law. Nobody may utilize them for another work of the same kind in such a way as to instil doubts.

"Article 18. The transferee, publisher and those who, according to this Law, can utilize, rely on or adapt the work for profit, must announce and insert the producer's name with the title and the special mark identifying the work attached to or on the original or reproduced copies, unless the producer has agreed otherwise.

"Article 19. Any changes in, or distortion of, the works protected by this Law, or its publication without the producer's permission is forbidden.

"Article 20. Printing houses, recording institutes, workshops and persons who print, publish, record or reproduce the works protected by this Law, must insert the number of times of printing, the number of copies of books or recordings number on musical discs on all copies published, together with the date, name of the printing house or the relevant institute and the workshop, as the case may be.

"Article 21. Producers can register the work, its name title and the special mark identifying the work in centres to be announced by the Ministry of Culture and Arts. Regulations pertaining to registration formalities as well as the authorities for accepting registration will be approved by the Council of Ministers.

"Article 22. Producer's material rights are protected by this Law when the work is published and performed in Iran for the first time, and is not published or performed in another country.

"Article 23. Anyone who publishes someone else's work which is protected by this Law, in his or the producer's name without the latter's permission, or knowingly in the name of someone other than the producer, will be sentenced to corrective terms of imprisonment ranging from six months to three years.

"Article 24. Anyone who prints and publishes someone else's translation in his own name will be sentenced to corrective terms of imprisonment from three months to one year.

"Article 25. Violators of articles 17, 18, 19 and 20 of this Law will be sentenced to corrective terms of imprisonment of from three months to one year.

"Article 26. In those cases where, on account of the expiry of the producer's rights, anyone is free to benefit from the work, with due regard to the provisions of this Law, the Ministry of Culture and Arts shall act as the private claimant regarding violations of articles 17, 18, 19 and 20 of this Law.

"Article 27. A private claimant can request the court issuing the final verdict on a case, to publish the verdict in a newspaper of the claimant's choice and at his expense.

"Article 28. Where the violator of this Law is a legal person, the private claimant's damages shall be remedied out of the legal person's properties, in addition to penal prosecution of the natural person whose decision has given rise to the offence. If the legal person's properties alone do not suffice, the balance will be compensated from the offender's property.

"Article 29. During the investigation of a private claimant's suit, the judicial authorities can issue the necessary instructions to justice bailiffs regarding prevention of publication and confiscation of the work covered by the suit.

"Article 30. The works produced prior to ratification of this Law will be protected by the Law. Those who have benefited from other persons' works without their permission, before ratification of this Law, are not entitled to publish, perform, reproduce, represent or sell those works again, except by permission of the producer or his deputy and with due regard to the provisions of this Law. Those who contravene this article and also those who, in an attempt to avoid being punished, print, record, reproduce or utilize the work using a date prior to that of ratification of this Law, will be sentenced to punishments provided for in article 23. Claims and complaints set forth with judicial authorities before ratification of this Law shall remain in force.

"Article 31. Legal action against the offence mentioned in this Law shall commence when the private claimant files suit, and shall be terminated when the said claimant withdraws the suit."

Annex

THE SITUATION OF WOMEN IN IRAN

In the Name of God

A report about activities of women in the Islamic Republic of Iran. "The Holy Quran builds up human beings, so do women. If human-building women are taken from nations, the latter will tend toward degradation".

(Imam Khomeini)

Introduction

1. The Muslim women of Islamic Iran, under the leadership of Hazrat Imam Khomeini, fought against cruelty and achieved independence. They defended the revolutionary values, and played an important role in all events. Now that a period of 12 years has passed since the victory of the Islamic revolution, Muslim women's progress and development in the scientific and intellectual fields and their participation in the political, social and cultural decisions of the system of the Islamic Republic of Iran accompanied by their effort to consolidate the family, are all indicative of the ever-increasing activities of Muslim women in Iran. In the following report, some figures and statistics are presented regarding the situation of women in the Islamic Republic of Iran.

2. According to the Constitution of the Islamic Republic of Iran, the family is the fundamental unit of Islamic society. Hence all relevant laws and regulations have been enacted and plans have been drawn up to facilitate the formation of the family and to strengthen family relations on the basis of Islamic rights and ethics. For these reasons the Islamic Consultative Assembly has so far ratified the following legal bills in order to consolidate the family:

(a) The bill for women's retirement after 20 years service in government offices;

(b) The protect for half-time work of women employees;

(c) Provisions for homeless women and children;

(d) Mothers are entrusted with the care and fostering of their children, from the time of death of their father until adolescence;

(e) Women can have the share of half of the property of men (a condition stipulated in the marriage contract);

(f) Men cannot remarry without the consent of the first wife, (except in some cases), otherwise the wife would be entitled to demand a divorce (most Iranian men have one wife);

(g) For the performance of divorce rites, a man and woman cannot go to a notary public without prior recourse to a court.

3. Women constitute about 49 per cent of the population of Iran; their numbers rose from 16,352,397 in 1976 to 24,164,049 in 1986. In 1976, 70 per cent of women were younger than 29 years, the figure rose to 72 per cent in 1986.

4. During the interval between the two censuses of 1976 and 1986, the population of women 10 years and older grew by 43 per cent. According to statistics, about 67 per cent of the above population married at lease once before 1986. In other words, 90 per cent of the population were married and the rest unmarried. (The average age for marriage is 16 years.)

5. The educational level of women in urban and rural societies is different. Statistics and figures pertaining to the years 1981 to 1984 show that during this interval, 11.6 per cent of marriages in urban areas ended in divorce, whereas during the same interval, 4.04 per cent of marriages in rural areas ended in divorce, which points to the stability of marriage in rural areas.

6. The population of literate women has been continually increasing, rising from 27 per cent in 1972 to 47.4 per cent in 1986. During the academic year 1986-1987, there were 67,856 women graduates in different fields at various levels. Furthermore, women received 30 per cent of associate degrees awarded, 32.2 per cent of B.Sc. degrees, 24 per cent of M.Sc. degrees and 32.9 per cent of doctorates. Altogether women constitute 31 per cent of graduates beyond the level of a high school certificate; 4,238 women have studied medical sciences at the doctorate level.

7. Before 1990 women occupied 35 per cent of posts in government offices. The Ministry of Education has recruited 42 per cent of its manpower from among women; the figure is 40.5 per cent in the case of the Ministry of Health, Therapeutic Care and Medical Training. The personnel of scientific and specialized services rose from 187,856 in 1976 to 343,273 in 1986, (a 45.2 per cent increase). The number of directors and high officials rose from 1,348 to 1,534 (a 12.1 per cent increase).

8. The facilities provided for the welfare of women workers and for the development of training and occupational programmes for them are as follows:

(a) In accordance with the Labour Code, the paid leave of women workers has increased from 12 days to one month;

(b) Nurseries are provided for children of women workers with due regard to their age groups;

(c) If the insured woman worker has paid 60 per cent of an insurance premium for one year before childbirth, she can benefit from medical examinations and assistance before, during and after delivery;

(d) Executive plans have been envisaged, such as the selection of a sample women worker, training of women workers, and their half-time service.

9. According to 1986 statistics, women were more concentrated in five out of 75 main occupational groups, and comprised 75.8 per cent of those groups.

10. The number of women athletes covered by women's sports committees rose from 76,952 in 1982 to 300,000 in 1990. The proportion of women trainers to women athletes rose from 1.99 per cent in 1983 to 6.08 per cent in 1987. Women's sports training classes increased from 18 in 1982 to 65 in 1987. In the first Five-year Plan of the Islamic Republic of Iran it is envisaged that the number of sportswomen covered by women's sports centres will rise to 400,000 in 1993.

11. One of the characteristics of the Islamic revolution was the direct presence of women in its initiation and fruition. A majority of women are serving at present in the army, taking part in political life, and are also participating freely and extensively in elections, in which they have been candidates.

12. After the victory of the Islamic revolution, special bureaux were set up for women's activities in the Islamic Teaching Organization Centres, construction crusades, the Islamic Revolution Martyrs Foundation, Mostazafeen (Oppressed) Foundation and the Imam Khomeini Relief Committees. Women are now taking part extensively in cultural, social, political and defence tasks in the above centres.

13. Women's mobilization organizations have centres in all parts of Iran and their affairs are coordinated by the central staff of the Islamic Revolution Guardians' corps. Women's mobilization work is based in the Resistance Centres that are active in factories, offices, schools and universities throughout the country. Women's educational mobilization from the beginning of the Revolution until 1990 was as follows: 8,167 military training classes trained 707,118 persons; 6,342 relief educational classes trained 118,823 persons. Out of the organized group of women's mobilization, 13,303 were students, 69,220 workers, 1,440 employees and 150,250 housewives.

14. In order to extend women's activities, plans have, and are being, implemented from 1986 until 1991. They are as follows:

(a) Women's bureau in the President's office;

(b) Women's bureau in the judiciary;

(c) Women's Social and Cultural Council;

(d) Women's Office in the Ministry of Foreign Affairs;

(e) Women's Directorate of Sports Affairs in the Physical Education Organization;

(f) Zainab Society (non-governmental organization);

(g) Islamic Republic of Iran Women's Organization (non-governmental organization);

(h) Islamic Institute for Women (non-governmental organization);

(i) The Islamic Society of Midwifery and Nursery;

(j) The Islamic Society of Artists in the Ministry of Labour and Social Affairs;

(k) Cultural and social centres for women in five districts of Tehran and in the provinces.

15. In addition to numerous publications which print articles about women, the following newspapers and magazines are published by women and their contents deal exclusively with women's topics:

(a) Meraj Monthly Magazine;

(b) Women of the Day (Zane-Ruz);

(c) Neda Quarterly;

(d) "Shahed for Women", "Shahed for Children and Youths" "Youths' Sureh" (common articles).